

AMENDMENTS TO THE CLAIMS

1. (Original) An ampholytic copolymer comprising a molar excess of anionogenic and/or anionic groups, obtainable by free radical polymerization of
 - a) at least one branched C₃-C₅-alkyl acrylate,
 - b) acrylic acid and/or methacrylic acid and
 - c) a monomer composition comprising
 - c1) at least one compound having an α,β -ethylenically unsaturated double bond capable of free radical polymerization and at least one anionogenic and/or anionic group per molecule and
 - c2) at least one compound having an α,β -ethylenically unsaturated double bond capable of free radical polymerization and at least one cationogenic and/or cationic group per molecule,the molar ratio of anionogenic and anionic groups of component c1) to cationogenic and cationic groups of component c2) being about 1 : 1.
2. (Original) The copolymer according to claim 1, the component a) comprising tert-butyl acrylate.
3. (Original) The copolymer according to claim 1, the component b) consisting of acrylic acid and methacrylic acid, with the proviso that the proportion by weight of acrylic acid is equal to or greater than the proportion by weight of methacrylic acid.
4. (Original) The copolymer according to claim 1, the component b) consisting of acrylic acid or methacrylic acid.
5. (Currently amended) The copolymer according to ~~any of the preceding claims,~~

~~the claim 1, wherein~~ component c1) ~~being is~~ selected from ~~the group consisting of~~ α,β -ethylenically unsaturated mono- and dicarboxylic acids, sulfonic acids, phosphonic acids and mixtures thereof.

6. (Currently amended) The copolymer according to ~~any of the preceding claims, the~~ claim 1, wherein component c1) ~~being is~~ selected from ~~the group consisting of~~ acrylic acid, methacrylic acid, itaconic acid and mixtures thereof.

7. (Currently amended) The copolymer according to ~~any of the preceding claims, the~~ claim 1, wherein component c2) ~~being is~~ selected from ~~the group consisting of~~ esters of α,β -ethylenically unsaturated mono- and dicarboxylic acids with amino alcohols which may be mono- and dialkylated at the amine nitrogen, amides of α,β -ethylenically unsaturated mono- and dicarboxylic acids with diamines which have at least one primary and secondary amino group, N,N-diallylamine, N,N-diallyl-N-alkylamines and the derivatives thereof, vinyl- and allyl-substituted nitrogen heterocycles, vinyl- and allyl-substituted heteroaromatic compounds and mixtures thereof.

8. (Currently Amended) The copolymer according to ~~any of the preceding claims, the~~ claim 1, wherein component c2) ~~being is~~ selected from ~~the group consisting of~~ N-vinylimidazole, N-(tert-butylamino)ethyl (meth)acrylate, N,N-dimethylaminoethyl (meth)acrylate, N-[3-(dimethylamino)propyl](meth)acrylamide and mixtures thereof.

9. (Currently Amended) The copolymer according to ~~any of the preceding claims, which additionally comprises~~ claim 1, further comprising, as component d), at least one N-vinylactam incorporated in the form of polymerized units.

10. (Currently Amended) The copolymer according to ~~any of the preceding claims,~~

~~which additionally comprises, incorporated claim 1, further comprising incorporating~~ in the form of polymerized units, at least one ~~further additional~~ monomer e) which is selected from esters, differing from component a), of α,β -ethylenically unsaturated mono- and dicarboxylic acids with C_1 - C_{30} -alkanols and C_1 - C_{30} -alkanediols, amides of α,β -ethylenically unsaturated mono- and dicarboxylic acids with C_2 - C_{30} -amino alcohols which have a primary or secondary amino group, N-vinylamides of saturated monocarboxylic acids, primary amides of α,β -ethylenically unsaturated monocarboxylic acids and the N-alkyl and N,N-dialkyl derivatives thereof, esters of vinyl alcohol and allyl alcohol with C_1 - C_{30} -monocarboxylic acids, vinyl ethers, vinylaromatics, vinyl halides, vinylidene halides, C_1 - C_8 -monoolefins, nonaromatic hydrocarbons having at least two conjugated double bonds and mixtures thereof.

11. (Currently Amended) The copolymer according to claim 10, ~~the wherein~~ component e) ~~being is~~ selected from the group consisting of C_1 - C_3 -alkyl methacrylates, hydroxy- C_1 - C_3 -alkyl methacrylates and mixtures thereof.

12. (Currently Amended) The copolymer according to claim 11, ~~the wherein~~ component e) ~~comprising or consisting comprises or consists~~ of ethyl methacrylate.

13. (Currently Amended) The copolymer according to ~~any of the preceding claims,~~ ~~which comprises~~ claim 1, comprising:

- from 20 to 90, particularly preferably from 25 to 85, % by weight of at least one compound a),
- from 5 to 40, particularly preferably from 10 to 35, in particular from 13 to 30, % by weight of acrylic acid and/or methacrylic acid b),
- from 0.5 to 25, particularly preferably from 1 to 20, in particular from 2 to 16, % by weight of a monomer composition c),
- from 0 to 85, particularly preferably from 1 to 60, in particular from 5 to 50, % by

weight of at least one compound d),

- from 0 to 25, particularly preferably from 0.1 to 20, in particular from 1 to 15, %
by weight of at least one compound e),

- from 0 to 5, particularly preferably from 0.01 to 3, in particular from 0.1 to 2, %
by weight of at least one crosslinking agent f),

incorporated in the form of polymerized units.

14. (Currently Amended) The copolymer according to ~~any of claims 1 to 13~~ claim 1,
which consists of repeating units of

- tert-butyl acrylate,
- acrylic acid and/or methacrylic acid
- N-(tert-butyl)aminoethyl (meth)acrylate or N-[3-(dimethylamino)propyl]-
methacrylamide or N,N-dimethylaminoethyl methacrylate or N-vinylimidazole.

15. (Currently Amended) The copolymer according to ~~any of claims 1 to 13~~ claim 1,
which consists of repeating units of

- tert-butyl acrylate,
- tert-butyl methacrylate,
- acrylic acid and/or methacrylic acid
- N-(tert-butyl)aminoethyl (meth)acrylate or N-[3-(dimethylamino)propyl]-
methacrylamide or N,N-dimethylaminoethyl methacrylate or N-vinylimidazole.

16. (Currently Amended) The copolymer according to ~~any of claims 1 to 13~~ claim 1,

which consists of repeating units of

- tert-butyl acrylate,
- acrylic acid and/or methacrylic acid,
- N-(tert-butyl)acrylamide and
- N-(tert-butyl)aminoethyl (meth)acrylate or N-[3-(dimethylamino)propyl]-

methacrylamide or N,N-dimethylaminoethyl methacrylate or N-vinylimidazole.

17. (Currently Amended) The copolymer according to ~~any of claims 1 to 13~~ claim 1, which consists of repeating units of

- tert-butyl acrylate,
- acrylic acid and/or methacrylic acid,
- vinylpyrrolidone and
- N-(tert-butyl)aminoethyl (meth)acrylate or N-[3-(dimethylamino)propyl]-

methacrylamide or N,N-dimethylaminoethyl methacrylate or N-vinylimidazole.

18. (Currently Amended) The copolymer according to ~~any of claims 1 to 13~~ claim 1, which consists of repeating units of

- tert-butyl acrylate,
- acrylic acid and/or methacrylic acid,
- N-(tert-butyl)acrylamide,
- vinylpyrrolidone and
- N-(tert-butyl)aminoethyl (meth)acrylate or N-[3-(dimethylamino)propyl]-

methacrylamide or N,N-dimethylaminoethyl methacrylate or N-vinylimidazole.

19. (Currently Amended) The copolymer according to ~~any of claims 1 to 13~~ claim 1, which comprises, incorporated in the form of polymerized units,

- a) tert-butyl acrylate,
- b) acrylic acid and/or methacrylic acid,
- c) N-(tert-butyl)aminoethyl acrylate or N-(tert-butyl)aminoethyl (meth)acrylate or N-[3-(dimethylamino)propyl]methacrylamide or N,N-dimethylaminoethyl methacrylate or N-vinylimidazole,
- d) ~~if appropriate~~ optionally, vinylpyrrolidone and
- e) at least one compound which is selected from C₁-C₃-alkyl methacrylates, hydroxy-C₁-C₃-alkyl methacrylates and mixtures thereof,

with the proviso that the proportion by weight of component a) is equal to or greater than the proportion by weight of component e).

20. (Currently Amended) The copolymer according to ~~any of claims 1 to 13~~ claim 1, which consists of repeating units of

- tert-butyl acrylate,
- acrylic acid and/or methacrylic acid,
- N-(tert-butyl)aminoethyl (meth)acrylate or N-vinylimidazole and
- ethyl methacrylate,

with the proviso that the proportion by weight of tert-butyl acrylate is equal to or greater than the proportion by weight of ethyl methacrylate.

21. (Currently Amended) The copolymer according to ~~any of claims 1 to 13~~ claim 1, which consists of repeating units of

- tert-butyl acrylate,
- acrylic acid and/or methacrylic acid,
- N-vinylpyrrolidone,
- N-(tert-butyl)aminoethyl (meth)acrylate or N-vinylimidazole and
- ethyl methacrylate,

with the proviso that the proportion by weight of tert-butyl acrylate is equal to or greater than the proportion by weight of ethyl methacrylate.

22. (Currently Amended) The copolymer according to ~~any of claims 1 to 13~~ claim 1, which comprises, based in each case on the total weight of the monomers used for the polymerization,

- from 20 to 80% by weight, preferably from 25 to 75% by weight, of tert-butyl acrylate and ethyl methacrylate, with the proviso that the proportion by weight of tert-butyl acrylate is equal to or greater than the proportion by weight of ethyl methacrylate,
- from 5 to 30% by weight, preferably from 10 to 25% by weight, of acrylic acid and/or methacrylic acid,
- from 1 to 20% by weight, preferably from 3 to 15% by weight, of a monomer

composition comprising methacrylic acid and N-vinylimidazole or N-(tert-butyl)aminoethyl (meth)acrylate and

- from 0 to 35% by weight of vinylpyrrolidone,
incorporated in the form of polymerized units.

23. (Currently Amended) A polyelectrolyte complex comprising at least one ampholytic copolymer, as defined in ~~any of claims 1 to 22~~ claim 1, and at least one polyelectrolyte PE) differing therefrom.

24. (Currently Amended) A cosmetic or pharmaceutical composition comprising

A) at least one ampholytic copolymer, as defined in ~~any of claims 1 to 22~~ claim 1, or a polyelectrolyte complex, ~~as defined in claim 23~~ comprising at least one ampholytic copolymer as defined in claim 1 and at least one polyelectrolyte PE) differing therefrom, and

B) at least one cosmetically or pharmaceutically acceptable carrier.

25. (Currently Amended) The composition according to claim 24, ~~the wherein~~ component B) being is selected from the group consisting of

- i) water,
- ii) water-miscible organic solvents, preferably C₂-C₄-alkanols, in particular ethanol,
- iii) oils, fats, waxes,
- iv) esters of C₆-C₃₀-monocarboxylic acids with monohydric, dihydric or trihydric alcohols, which esters differ from iii),

- v) saturated acyclic and cyclic hydrocarbons,
 - vi) fatty acids,
 - vii) fatty alcohols,
 - viii) propellants
- and mixtures thereof.

26. (Currently Amended) The composition according to ~~either of claims 24 and 25~~ claim 24, comprising at least one additive which differs from the components A) and B) and is selected from the group consisting of cosmetically active substances, emulsifiers, surfactants, preservatives, perfume oils, thickeners, hair polymers, hair and skin conditioners, graft polymers, water-soluble or dispersible silicone-containing polymers, light stabilizers, bleaches, gel formers, care compositions, colorants, tinting compositions, tanning compositions, dyes, pigments, consistency agents, moisturizers, refatting agents, collagen, protein hydrolysis products, lipids, antioxidants, antifoams, antistatic agents, emollients and plasticizers.

27. (Currently Amended) The composition according to ~~any of claims 24 to 26~~ claim 24 in the form of a gel, of a foam, of a spray or of a mousse, ointment, cream, emulsion, suspension, lotion, milk or paste.

28. (Currently Amended) The ~~use of a copolymer, as defined in any of claims 1 to 22, or of a polyelectrolyte complex, as defined in claim 23, in~~ cosmetic or pharmaceutical composition according to claim 24, wherein the composition is a skin cleansing compositions, compositions composition, a composition for the care and for the protection of the skin, a nail care compositions, formulations composition, a formulation for decorative cosmetics and or a hair treatment compositions composition.

29. (Currently Amended) The ~~use according to claim 28 in hair treatment compositions as cosmetic or pharmaceutical composition~~ according to claim 24, wherein the composition is a hair setting compositions composition and/or as conditioners a hair conditioner.

30. (Currently Amended) The ~~use~~ composition according to claim 29, wherein the composition ~~being present~~ is in the form of a hair gel, shampoo, foam setting composition, hair lotion, hairspray or hair foam.

31. (Canceled)

32. (New) A coating material for a solid dosage form comprising the cosmetic or pharmaceutical composition according to claim 24.

33. (New) A rheological modifier comprising the ampholytic copolymer as claimed in claim 1.

34. (New) An adhesive comprising the ampholytic copolymer as claimed in claim 1.

35. (New) A coating comprising the ampholytic copolymer as claimed in claim 1.

36. (New) An article coated with the ampholytic copolymer as claimed in claim 1.

37. (New) The coated article as claimed in claim 36, wherein the article is textile, paper, print or leather.

DISCUSSION OF THE AMENDMENT

Claims 1 - 4 are original.

Claims 5 - 30 are currently amended.

Claim 31 is cancelled without prejudice.

Claims 32 - 37 are new.

Upon entry of the amendment, claims 1-30 and 32-37 will be active.

The claims have been amended to remove multiple dependent claims and to clarify claim language. New claims 32-35 are supported by claim 31 as originally filed.

No new matter has been added by the amendments.